

Message Text

LIMITED OFFICIAL USE

PAGE 01 MANILA 01549 301027Z
ACTION EA-12

INFO OCT-01 ISO-00 L-03 COME-00 EB-08 LOC-01 OPIC-03
/028 W

-----087510 310215Z /64

R 300852Z JAN 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 1001

LIMITED OFFICIAL USE MANILA 1549

E.O. 11652: N/A
TAGS: EINV, EIND, RP
SUBJECT: REVISION OF PHILIPPINE PATENT LAW

REF: (A) MANILA 1239, (B) MANILA 1095, (C) 76 STATE 177103

1. SUMMARY. THE EEC, U.S. AND JAPANESE EMBASSIES HAVE MADE A COORDINATED APPROACH TO THE GOP, REGISTERING CONCERN OVER THE NEW DECREE AMENDING THE PHILIPPINE PATENT LAW. END SUMMARY.

2. EEC, U.S., AND JAPANESE EMBASSIES HAVE DELIVERED THE FOLLOWING NOTE (WITH APPROPRIATE ADJUSTMENTS) TO THE DEPARTMENT OF FOREIGN AFFAIRS: BEGIN QUOTE:

THE EMBASSY OF THE UNITED STATES OF AMERICA FEELS THAT THIS DECREE (REFERRING TO PD 1263 MENTIONED IN COMPLIMENTARY OPENING) WILL CREATE DIFFICULTIES FOR UNITED STATES INVESTORS AND ACT AS A DISINCENTIVE FOR POTENTIAL INVESTMENTS. THE EMBASSY OF THE UNITED STATES OF AMERICA WOULD BE GRATEFUL IF DISCUSSIONS WITH THE PHILIPPINE GOVERNMENT COULD BE MADE POSSIBLE.

THE EMBASSY OF THE UNITED STATES OF AMERICA UNDERSTANDS THAT A SIMILAR APPROACH IS BEING MADE BY THE EMBASSIES OF
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MANILA 01549 301027Z

THE EEC MEMBER STATES AND WE WOULD BE PLEASED TO JOIN ANY DIALOGUE THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES MAY CONDUCT ON THIS MATTER. END QUOTE.

COPIES OF THE NOTE WERE SENT INDIVIDUALLY UNDER COVER OF A LETTER TO SECRETARY OF INDUSTRY PATERNO, SECRETARY OF TRADE QUIAZON, AND SECRETARY OF PLANNING SICAT.

4. THIS GROUP INITIATIVE WAS TAKEN WITH INTENT TO OFFICIALLY REGISTER OUR CONCERN WITH THE GOP PRIOR TO AN INTER-AGENCY MEETING SCHEDULED TO DISCUSS THE NEW PATENT LAW AMENDMENTS JANUARY 27, 1978.

4. THE CONSENSUS OF EMBASSY REPS (GERMAN, BRITISH, FRENCH, BELGIAN, AND US) AT JOINT MEETING CALLED TO DISCUSS NEW PATENT LAW (PARA 5, REFTEL B) IS THAT AFTER MARCOS' PUBLIC ANNOUNCEMENT IN SUPPORT OF THE NEW PATENT REVISION (REFTEL A) THERE IS LITTLE CHANCE TO GET THE PD RECALLED ALTOGETHER. IT WILL STILL BE USEFUL HOWEVER TO REGISTER OPPOSITION AND TEMPER ITS IMPLEMENTATION. EEC EMBASSIES ALSO OBVIOUSLY WANT TO SHOW THEIR BUSINESSMEN AND HOME MINISTRIES THAT THEY HAVE DONE SOMETHING.

5. EMBOFF GOT JAPAN ON BOARD AFTER THE GROUP MEETING. JAPANESE EMBOFF SAYS THAT NEW PATENT REVISION IS NOT OF GREAT CONCERN TO JAPANESE BUSINESS HERE, AS IT IMPORTS A FAIRLY LOW ORDER OF TECHNOLOGY. NONETHELESS, HE SOUGHT AND RECEIVED MITI AUTHORIZATION TO JOIN THE EEC AND US IN ITS APPROACH.

6. COMMENT: WE DO NOT KNOW YET WHEN AND IF THE DIALOGUE REQUESTED IN OUR NOTES WILL BE CALLED. THE EEC COUNTRIES PLAN TO SEEK GUIDANCE, AND PERHAPS EXPERTISE, FROM HOME LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MANILA 01549 301027Z

FOR THE DISCUSSION, AND WILL INCLUDE REPRESENTATIVES FROM PRIVATE FIRMS IN THE PHILIPPINES MOST DIRECTLY AFFECTED. WE WILL OF COURSE ASK REPRESENTATIVES FROM US FIRMS, AND THE AMERICAN CHAMBER OF COMMERCE, WHO HAVE LED THE OPPOSITION TO THE PATENT LAW CHANGES TO JOIN US. WE CAN ALSO DRAW ON PREVIOUS DEPARTMENT GUIDANCE AS CONTAINED IN 76 STATE 177103, BUT WOULD APPRECIATE ANY UPDATE DEPARTMENT MAY WISH TO PROVIDE AS SOON AS POSSIBLE. COPIES OF PD 1263 WERE POUCHED TO EA/PHL AND EB/IFD/BP JANUARY 24. END COMMENT.
NEWSOM

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PATENT LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 30 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MANILA01549
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780045-0233
Format: TEL
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978018/aaaaagmu.tel
Line Count: 104
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4ca4eae4-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 MANILA 1239, 78 MANILA 1095, 76 STATE 177103
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3799413
Secure: OPEN
Status: NATIVE
Subject: REVISION OF PHILIPPINE PATENT LAW
TAGS: EINV, EIND, RP
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/4ca4eae4-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014